

# Consultation on the proposed abolition of the Railway Heritage Committee and transfer of its designation function to the Board of Trustees of the Science Museum

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Department for Transport  
Great Minster House  
76 Marsham Street  
London SW1P 4DR  
Telephone 0300 330 3000  
Website [www.dft.gov.uk](http://www.dft.gov.uk)

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# Executive Summary

As part of the Cabinet Office's review of public bodies in 2010, the Government decided that the Railway Heritage Committee (RHC) should be abolished. However, during the passage of the Public Bodies Act 2011 (the Act) through parliament, the Government was persuaded that there was merit in retaining the designation powers and transferring the exercise of those powers to the Board of Trustees of the Science Museum. The Board of Trustees of the Science Museum is responsible for the whole of the National Museum of Science and Industry (NMSI). The NMSI incorporates the National Railway Museum (NRM). Section 1 of the Act permits a Minister to abolish a body or office specified in Schedule 1 and the RHC is one of the bodies specified in that Schedule.

The Act includes a requirement in Section 10 of the Act for consultation in relation to all proposals which require an order to be made under Sections 1 to 5. As the impact of the proposed reform is neutral we are undertaking a targeted 6 week informal consultation. This meets consultation requirements for a body with specialised functions and a limited user group. This consultation is therefore seeking views on both the proposed abolition of the RHC and on the transfer of its designation function to the Board of Trustees of the Science Museum.

# Background and issue

The Railway Heritage Committee (RHC) was established under the Railway Heritage Scheme Order 1994 (S.I. 1994/2032) and its establishment was continued under the Railway Heritage Scheme Order 1997 (S.I. 1997/39) and finally the Railway Heritage Scheme Order 2005 (S.I. 2005/2905). The functions of the RHC are set out in the Railway Heritage Act 1996. Its functions are:

- to identify and designate those records and artefacts of the railway industry which in the opinion of the RHC are of sufficient interest to warrant preservation; and
- to consider proposals for disposal by the owners of designated records and artefacts and, if content, approve of such disposal.

In most cases disposals are made to public record offices, museums or other railway heritage organisations who undertake responsibility for the long-term preservation of the designated record or artefact. The owners of the record or artefact when making the disposals are entitled to seek payment of a fair value price for the items – though many of them may have limited financial value.

The RHC is a Non Departmental Public Body with members drawn from the rail industry, the National Rail Museum, part of the NMSI, the National Archives of Scotland and includes other members with expertise in conservation and archiving. The Chairman and members of the RHC and its specialist sub-committees are all unpaid (although they can claim expenses) apart from the Secretary who receives an annual salary. The cost of the RHC is currently around £100,000 a year.

During its life, the RHC has designated over 1300 artefacts and many thousands of important historical documents – including the Brunel drawings of the Great Western Railway; the collection of British Transport Films; paintings by Terence Cuneo; coaches from the Royal Train; a travelling post office sorting van; and the GNER archive.

The Cabinet Office review of public bodies was launched in June 2010, and proposed that the RHC be abolished, on the basis that it did not meet any of the three Cabinet Office tests (around the need for technical expertise, impartiality or independent establishment of facts). The Cabinet Office review announced on 14 October 2010 that, as part of the wider package of Public Bodies review announcements, the RHC should be abolished.

During the passage of the Act through parliament, Lord Faulkner of Worcester (an ex-Chairman of the RHC) tabled a proposal that the designation power

should be retained although it would be wielded in future not by the RHC but by the Board of Trustees of the Science Museum.

The Government announced that it was persuaded that there was merit in this proposal and subsequent discussions between the Department for Transport (DfT) and the Department for Culture, Media, and Sport (DCMS) – the Department responsible for NMSI – have resulted in an agreement that the power of designation and the statutory protection it affords should be retained after the RHC itself is abolished, with the power being transferred to the Board of Trustees of the Science Museum in a smooth and timely manner. Paragraph 16 of Schedule 1, Part II to the National Heritage Act 1983 sets out that the Board of Trustees of the Science Museum may regulate their own procedure and make arrangements for any of their functions to be discharged by committees. It is therefore envisaged that the Board of Trustees of the Science Museum will set up a committee known as the NMSI Railway Heritage Designation Panel and the composition and manner of this committee's proceedings will be determined by the Board of Trustees of the Science Museum.

The powers of designation will continue to cover the devolved administrations as the Railway Heritage Act 1996 which makes provision for the preservation of railway records and artefacts will continue to apply. Therefore, this reform will not have any impact on Scotland and Wales.

It has also been agreed that DCMS will have ministerial responsibility for the designation function once it has been transferred to the Board of Trustees of the Science Museum. In addition, the DfT will make a one-off payment to DCMS of £50,000 to cover the expenses in the 2011-15 Spending Review period likely to be associated with the NMSI Railway Heritage Designation Panel as part of the new arrangements. This is separate to any funding which might be required to provide a secretariat function for the advisory structure, which NMSI would be expected to absorb from within its allocated resources. It has also been agreed that DfT will continue to fund the RHC until it is abolished and its designation function is transferred to the Board of Trustees of the Science Museum.

# How to Respond

The consultation period began on 19 January 2012 and will run until 1 March 2012, please ensure that your response reaches us by that date. If you will have difficulties responding by that date, please contact us and we will consider if a time extension can be applied due to extenuating circumstances. If you would like further copies of this consultation document it can be found at [www.dft.gov.uk](http://www.dft.gov.uk) or you can contact Mike Biskup if you would like alternative formats (Braille, audio CD, etc).

Please send consultation responses to

Mike Biskup  
Zone 3/17  
Department for Transport  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR  
Phone number: 020 7944 5409  
Fax number: 020 7944 9676  
Email address: [mike.biskup@dft.gsi.gov.uk](mailto:mike.biskup@dft.gsi.gov.uk)

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation please make it clear who the organisation represents, and, where applicable, how the views of members were assembled.

A list of those consulted is set out below. If you have any suggestions of others who may wish to be involved in this process please contact us.

# Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the Data Protection Act and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.



# The proposals

It is proposed that the RHC will be abolished and that its functions to designate railway records and artefacts, which are historically significant and should be permanently preserved, will be transferred to the Board of Trustees of the Science Museum.

The Board of Trustees of the Science Museum will also have the function of agreeing which institution shall hold those designated records and artefacts when they are no longer required by the railway business that owns them and the terms under which they shall be offered to such an institution.

The designation power will continue to extend to England, Scotland and Wales.

The DCMS will have ministerial responsibility for the designation function once it has been transferred to the Board of Trustees of the Science Museum.

Although it is for the Board of Trustees of the Science Museum to determine the precise details of the way in which it will exercise these functions, it is anticipated that the new NMSI Railway Heritage Designation Panel will revisit methods of working to make them simpler and more cost-efficient. The Board of Trustees of the Science Museum will invite appropriate persons to join the NMSI Railway Heritage Designation Panel to represent the interest of the railway heritage sector and the railway industry in England, Scotland and Wales.

# Consultation Questions

Do you agree that the RHC should be abolished?

Do you agree that the RHC's designation function should be retained and, if so, transferred to the Board of Trustees of the Science Museum?

Do you think that the Board of Trustees of the Science Museum (who are also the governing body for the National Railway Museum) has sufficient expertise and knowledge to ensure that historically significant railway records and artefacts are identified and protected?

Do you think there is any other organisation that would be able to carry out the designation function better than the Board of Trustees of the Science Museum (without any additional funding)?

Do you agree that the appointment of external panel members will ensure that there is no conflict of interest between the Board of Trustees of the Science Museum carrying out the designation function and its role as the governing body of the National Railway Museum?

# What will happen next

A summary of responses, including the next steps will be published within three months of the consultation closing on the DfT's website at [www.dft.gov.uk](http://www.dft.gov.uk). Paper copies will be available on request. If an extension to the closing date of the consultation is requested and agreed it will be three months from this date. Consultees will be informed of any changes.

# Question and Answer Brief

Below is a list of frequently asked questions about these proposals. If you still have questions after you have read this section please contact:

Mike Biskup  
Zone 3/17  
Department for Transport  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR  
Phone number: 020 7944 5409  
Fax number: 020 7944 9676  
Email address: [mike.biskup@dft.gsi.gov.uk](mailto:mike.biskup@dft.gsi.gov.uk)

## What does the RHC do?

The RHC's purpose is to identify railway-related artefacts and records of historic importance and, where appropriate, to attach statutory designations to them. The effect of a designation is to give the RHC power to require the owner of the artefact or record to dispose of the item only to a recipient agreed with the RHC – usually a museum, public records office or heritage railway.

## Why abolish the RHC when it costs so little to run?

We recognise that the RHC costs only around £100,000 a year. But this is not just about costs. This Coalition Government believes that public bodies should only be in place where it is absolutely necessary and justified. The analysis in October 2010 was that this was not the case in regard to the RHC.

## Why are you transferring the function of designation to another body?

The Government sees merit in the proposals Lord Faulkner put forward during the passage of the Act through Parliament which could make significant savings compared to the current arrangements, rationalise the treatment across Government for dealing with railway heritage, and meet the concerns raised by many within the industry.

The DfT carried out a consultation in 2008-09 which concluded that the scope of RHC should in fact be increased. How can you now consider abolishing it?

It is the Coalition Government's policy that a public body should only exist where absolutely essential.

Is it not true that the industry itself expressed its support for retaining the RHC?

We understand that the industry has been supportive of the RHC and that some suggestions were made that, if the RHC was wound up, those hoping to secure items for preservation would approach the industry direct, driving up industry costs.

The specialist press and others were almost unanimous in supporting retention of the RHC. Why did ministers ignore expert advice?

Ministers accepted that there had been criticism, and were therefore persuaded by the proposal to retain the designation function but to transfer it elsewhere.

What will happen to items the RHC has designated in the past?

Many designated items are retained and remain in regular use by their railway industry owners. These items will continue to be designated items and as at present, decisions on disposal of such items will only fall to be made once their service life has ended. At that stage, arrangements for disposal will be made by the railway industry owners with the consent of the NMSI Railway Heritage

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Designation Panel. Where disposal of a designated item has already occurred the responsibility to adhere to the undertakings given by recipients of designated items will continue to remain in force.

## What is the role of the National Railway Museum (NRM)?

The NRM is part of the group of museums comprising the National Museum of Science and Industry and also includes the Science Museum, Locomotion and the National Media Museum.

At present, it is one of the main recipient bodies for items designated by the RHC. DCMS is continuing to support the NRM, and we expect the NRM will continue to play a key role in the new arrangements.

The NMSI received £35.5m in funding from DCMS in 2011/12 which funds three museums including the NRM. Museums received a manageable settlement through the spending review process – their funding will reduce by 15% in real terms over the next 4 year Spending Period.

## How was RHC assessed against the Cabinet Office's tests?

The DfT assessment in October 2010 was that the RHC performs a function that is not required to be performed by government or a government body. However, the proposals and evidence put forward by Lord Faulkner led the Government to look again at this issue, and to seek a way forward which balances the need for reform – including greater accountability and reduced costs – with the concerns expressed by Lord Faulkner and others in the railway industry.

# Impact

The impact to businesses of the abolition of RHC and transfer of functions has been considered as part of this process:

## Efficiency:

The transfer of functions to the Board of Trustees of the Science Museum will result in more efficient working. The amendments to legislation will give the Board of Trustees of the Science Museum the flexibility to create a more efficient organisation. The back-office functions will be more streamlined as they will be absorbed within the existing structure of NMSI.

## Effectiveness:

The NRM is part of the group of museums comprising the NMSI and at present is one of the main recipient bodies for items designated by the RHC. By transferring functions to the Board of Trustees of the Science Museum we would expect there to be less regulatory burden as the designation powers rest within the same group.

## Economy:

This reform will deliver a better deal for taxpayers as the current costs of running RHC will be absorbed within the existing budget of NMSI. The designation function will also be absorbed from within NMSI's existing resources and therefore won't create any additional burden.

## Accountability:

DCMS will have ministerial responsibility for the designation power once it has been transferred to the Board of Trustees of the Science Museum. There will not be any impact on the public sector and civil society other than a change to the organisation directly responsible for the preservation of railway records and artefacts.

# The Consultation

This is a short targeted consultation rather than a formal written consultation subject to the Government's Code of Practice on Consultation. However, it is being run largely in line with the principles set out in this Code of Practice which can be found at: [www.bis.gov.uk/files/file47158.pdf](http://www.bis.gov.uk/files/file47158.pdf). If you consider that this consultation does not comply with the criteria or have comments about the consultation process please contact:

Consultation Co-Ordinator  
Department for Transport  
Zone 1/14  
Great Minster House  
London SW1P 4DR

Email address [consultation@dft.gsi.gov.uk](mailto:consultation@dft.gsi.gov.uk)



# List of those consulted

All Party Parliamentary Group for Rail Heritage  
Archives and Records Association  
Arriva Trains Wales  
ASLEF  
Association of British Transport & Engineering Museums  
Association of Independent Museums  
Association of Train Operating Companies  
Bombardier  
BRB (Residuary) Ltd  
British Transport Police Authority  
c2c  
Chiltern Railways  
Cross Country  
CyMal  
DB Schenker  
Department for Culture, Media and Sport  
DRS  
East Coast  
East Midlands Trains  
Eurostar  
First Capital Connect  
First Great Western  
First Hull Trains  
First TransPennine Express  
Freightliner Group Ltd  
GB Railfreight  
Grand Central  
Heathrow Express  
Heritage Railway Association  
HM Treasury  
London & Continental Railways  
London Midland  
London Overground  
London TravelWatch  
London Underground  
Merseyrail  
Museums Association  
Museums and Galleries Scotland  
National Express East Anglia

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National Museum of Science and Industry (including the National Railway Museum)  
National Museums Scotland  
National Museum of Wales  
National Records of Scotland  
Network Rail  
Northern  
Office of Rail Regulation  
Passenger Focus  
Rail Freight Group  
Rail Industry Association  
Railway Heritage Committee  
Railway Heritage Trust  
RMT  
RSSB  
Scotland Office  
ScotRail  
Scottish Council on Archives  
Scottish Ministers  
Southeastern  
South West Trains  
Southern  
The National Archives  
Transport for London  
Transport Scotland  
Transport Trust  
TSSA  
Virgin Trains  
Wabtec  
Wales Office  
Welsh Ministers